IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTIETH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 4355 of 2005

Between:

Sree Vijayalakshmi Transport Company, Ramagundam, Karimnagar District.
Rep. by its Authorized Signatory, G. Nageswar Rao.

..... PETITIONER

AND

1 The Chief Engineer, O & M KTPS, Palvancha, Khammam District.
2 The Superintendent Engineer, O & M, Coal Handling Plant, KTPS, Palvancha, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ or direction particularly in the nature of mandamus or any other appropriate writ, declaring the action of the 2nd respondent in issuing tender notice for transportation of 5 lakhs MTs of coal from Koyagudem mines of SCCL to KTPS, Palvoncha; without considering the representation of the petitioner of extension of time, as illegal, void and arbitrary and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.V.R.AVULA

Counsel for the Respondent No.: SMTE.URMILA

The Court at the stage of admission made the following :

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ORAL ORDER:.

Heard both sides and at their request this Writ Petition is taken up for disposal at the stage of admission.

In this Writ Petition, the petitioner is seeking a writ of Mandamus declaring the action of the second respondent in issuing tender notice for transportation of 5 lakhs MTs of coal from Koyagudem mines of SCCL to KTPS, Palvoncha, without considering the representation of the petitioner for extension of time, as illegal and arbitrary.

The grievance of the petitioner is that the agreed quantity, as per terms and conditions, was not supplied to the petitioner and in the meanwhile, the term of the contract has been expired, and therefore, the petitioner has been reasonably expecting that the term of contract would be extended. Learned counsel for the petitioner submits that though there is no vested right in the petitioner to have the term of contract extended, still the petitioner has got a right to have its grievance considered by the respondents and that the representation made by the petitioner on 29.12.2004, in this behalf is still pending consideration before the respondents.

For the foregoing reasons, suffice it to close the Writ Petition with a direction to the respondents to consider the representation of the petitioner dated 29.12.2004, keeping in view the alleged hardship caused to the petitioner with a realistic approach, as expeditiously as possible. No costs.

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D.S.R. VARMA, J

DATED: 30.03.2005

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To

1 The Chief Engineer, O & M KTPS, Palvancha, Khammam District.
2 The Superintendent Engineer, O & M, Coal Handling Plant, KTPS, Palvancha, Khammam District.

3. Two CD copies.